

Entered 12/16/09 sb  
CL 09L1015 – LISA CARTER

10- R -0375

**CLAIM OF: VICTORIA B. WATSON**  
5831 Wellborn Oaks Court  
Lithonia, Georgia 30058

MAR 01 2010

For damages alleged to have been sustained as a result of striking a tree limb protruding the in the roadway on December 2, 2009 at 570 Lynhurst Drive, SW.

THIS ADVERSED REPORT IS  
APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT

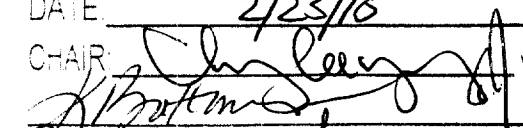
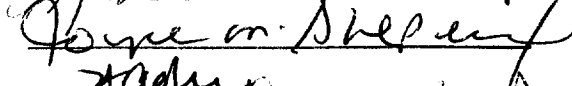
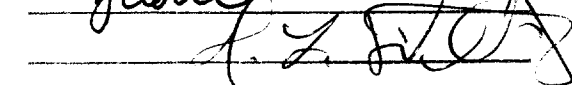
PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE

2/23/10

CHAIR

  
  
Vice Chair  
  
Secretary

APPROVED BY  
CITY COUNCIL

MAR 01 2010



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6030  
FAX (404) 658-6273

March 10, 2010

Ms. Victoria B. Watson  
5831 Wellborn Oak Court  
Lithonia, Georgia 30058

**10-R-0375**

Dear Ms. Watson

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

A handwritten signature in cursive script that reads "Rhonda Dauphin Johnson".

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L1015

Date: January 28, 2010

Claimant /Victim VICTORIA B. WATSON

BY:(Atty)(Ins.Co.)

Address: 5831 Wellborn Oaks Court Lithonia, Georgia 30058

Subrogation:            Claim for Property damage \$ 200.00 Bodily Injury \$           

Date of Notice: 12/14/09 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/02/09 Place: 570 Lynhurst Drive, SW

Department Parks, Recreation and Cultural Affairs Bureau: Parks Office:           

Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of striking a fallen tree limb at 570 Lynhurst Drive, SW. However, the city is immune from liability.

### INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral           

Pictures            Diagrams            Reports: Police            Dept Report X Other           

Traffic citations issued: City Driver            Claimant Driver           

Citation disposition: City Driver            Claimant Driver           

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial           

Improper Notice            More than Six Months            Other X Damages reasonable           

City not involved            Offer rejected            Compromise settlement           

Repair/replacement by Ins. Co.            Repair/replacement by City Forces           

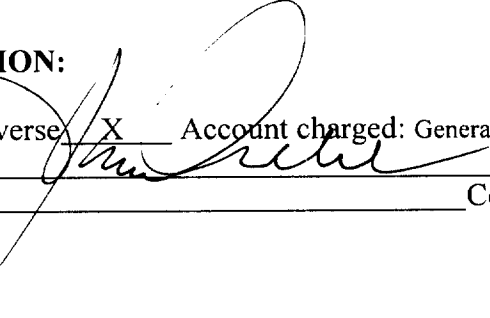
Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - LISA CARTER

### RECOMMENDATION:

Pay \$            Adverse X Account charged: General Fund            Water & Sewer            Aviation           

Claims Manager:  Concur/date 02/11/10

Committee Action:            Council Action

RECEIVED  
OFFICE OF  
MUNICIPAL CLERK

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK

City Hall  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 12-04-2009

ENTERED - 12-16-09 - SB  
09L1015 - L. CARTER

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 200.00 property and/or \$ 0.00 bodily injury for which I contend the City is liable.

1. Date of incident: 12-02-2009 2. Time of incident: 7:00pm 3. Police called: YES
4. Location of incident (including street address): 570 Lynhurst Drive, SW, Atlanta
5. Name of your insurance company: USAA Policy No. 16838498
6. State what and how incident occurred: I was driving South on Lynhurst Drive and a tree was leaning over out in the road. One of the lower branches slammed into my windshield, shattering the passenger side of it. I pulled over across the street from where the tree was and called APD.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.
- Your vehicle: Chevy 2007 AAZ 7519 Victoria B. Watson  
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: Ki'Atra Robinson(daughter)
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE  
ABOVE INFORMATION IS TRUE AND  
CORRECT.

Signature of Claimant

Victoria B. Watson

(Print Claimant's Name)

5831 Wellborn Oaks Court

(Address)

Lithonia, GA 30058

(City, State and Zip Code)

404-786-9524

(Work Number)

770-322-9657

(Home Number)

10-R -0375

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|---|--|--|
|   |  | <b>03-01-10</b>  |
| <b>ITEMS ADOPTED ON<br/>CONSENT</b>   | <b>ITEMS ADOPTED ON<br/>CONSENT</b>  | <b>ITEMS ADVERSESED<br/>ON CONSENT</b>   |
| 1. 10-O-0275<br>2. 10-O-0276<br>3. 10-O-0277<br>4. 10-O-0278<br>5. 10-O-0279<br>6. 10-O-0289<br>7. 10-O-0290<br>8. 10-O-0291<br>9. 10-O-0292<br>10. 10-O-0293<br>11. 10-O-0294<br>12. 10-O-0296<br>13. 10-O-0241<br>14. 10-O-0307<br>15. 10-R-0334<br>16. 10-R-0335<br>17. 10-R-0390<br>19. 10-R-0395<br>20. 10-R-0407<br>21. 10-R-0411<br>22. 10-R-0394<br>23. 10-R-0396<br>24. 10-R-0338<br>25. 10-R-0339<br>26. 10-R-0340<br>27. 10-R-0341<br>28. 10-R-0342<br>29. 10-R-0343<br>30. 10-R-0344<br>31. 10-R-0345<br>32. 10-R-0346<br>33. 10-R-0347<br>34. 10-R-0348<br>35. 10-R-0349 | 36. 10-R-0350<br>37. 10-R-0351<br>38. 10-R-0352<br>39. 10-R-0353<br>40. 10-R-0354<br>41. 10-R-0355 | 42. 10-R-0356<br>43. 10-R-0357<br>44. 10-R-0358<br>45. 10-R-0359<br>46. 10-R-0360<br>47. 10-R-0361<br>48. 10-R-0362<br>49. 10-R-0363<br>50. 10-R-0364<br>51. 10-R-0365<br>52. 10-R-0366<br>53. 10-R-0367<br>54. 10-R-0368<br>55. 10-R-0369<br>56. 10-R-0370<br>57. 10-R-0371<br>58. 10-R-0372<br>59. 10-R-0373<br>60. 10-R-0374<br>61. 10-R-0375<br>62. 10-R-0376<br>63. 10-R-0377<br>64. 10-R-0378<br>65. 10-R-0379<br>66. 10-R-0380<br>67. 10-R-0381<br>68. 10-R-0382<br>69. 10-R-0383<br>70. 10-R-0384<br>71. 10-R-0385 |